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10/823,976	04/13/2004	Stephen Saylor	1104-063	5330

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EXAMINER
VIG, NARESH

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3629	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 December 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-25</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-25</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)   5) ☐ Notice of Informal Patent Application
     Paper No(s)/Mail Date _____   6) ☐ Other: _____

DETAILED ACTION

This is in reference to communication received 29 December 2008. Claims 1 –
25 are pending for examination.

Response to Arguments

Applicant's arguments with respect to claims 1 – 25 have been considered but
are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claims 5 – 7, 11 – 13 and 24 – 25 are rejected under 35 U.S.C. 112, second
paragraph, as being indefinite for failing to particularly point out and distinctly claim the
subject matter which applicant regards as the invention.

Regarding claims 5 – 7 and 24, application recites the limitation integrating the
collected data further comprises inserting the image capture and the voice data or the
text data at the at least one predetermined point in the template.

As currently claimed, it is not clear whether the image captured is inserted, or
applicant is referring to the image capture device, or applicant is claiming the

performance of an action of image capture, or something else. Additionally it is not clear

whether the claimed invention is directed to inserting the image capture(d) and the voice

data or (just) the text data, or, applicant claimed invention is directed to inserting the

image capture and (either) the voice data or the text data

     Regarding claims 11 – 13 and 25, application recites the limitation integrating the

collected data further comprises associating the set of input identifiers for the selected

workflow activity with the image capture and the voice data or the text data.

     As currently claimed, it is not clear whether the image captured is associated, or

applicant is referring to the image capture device, or applicant is claiming the

performance of an action of image capture, or something else. Additionally it is not clear

whether the claimed invention is directed to associating the image capture(d) and the

voice data or (just) the text data, or, applicant claimed invention is directed to

associating the image capture and (either) the voice data or the text data

Claim Rejections - 35 USC § 103

     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Information on Vox2Data in view of Wright Jr. US Patent 5,704,029 and Elbrader US
Publication 2002/0172498.

Regarding claims 1, 14 and 22, Vox2Data teaches system and method for
integrating image captured device for generating a document [Vox2Data, page 1, 3, 4].
Vox2Data does not explicitly teach workflow. However, Wright teaches system and
method of workflow on a device by using scripting to create electronic forms (**i.e.
electronic documents**) [Wright, abstract]. Wright teaches that scripting feature ensures
that the form is completed correctly.

Therefore, at the time of invention, it would have been obvious to one of ordinary
skill in the art to modify Vox2Data by adopting teachings of Wright to ensure that the
template has been completed correctly, apply a known technique to a known device
(method, or product) ready for improvement to yield predictable results, known work in
one field of endeavor may prompt variations of it for use in either the same field or a
different one based on design incentives or other market forces if the variations would
have been predictable to one of ordinary skill in the art.

Vox2Data in view of Wright does not explicitly recite captured data to be image
data. However, Vox2Data in view of Wright teaches capability wherein captured data
can be voice data. Elbrader teaches a record keeping system wherein in a workflow, an
image capturing device can capture image data to create record for a transaction
[Elbrader, abstract].

Therefore, it would have been obvious to one of ordinary skill in the art to modify

Vox2Data in view of Wright by adopting teachings of Elbrader and capture image date

to maintain a record of the situation, to ensure that the document generated is a

compliant e.g. HIPAA compliant document, apply a known technique to a known device

(method, or product) ready for improvement to yield predictable results, known work in

one field of endeavor may prompt variations of it for use in either the same field or a

different one based on design incentives or other market forces if the variations would

have been predictable to one of ordinary skill in the art.

Vox2Data in view of Wright and Elbrader teaches capability for:

integrating use of a portable image capture device into a workflow process

initiating utilization of a portable image capture device with a workflow process,

the workflow process including a template having at least one predetermined point at

which data input, including captured image data, is expected (Wright, user image can

be modified to prompt user to take an image which can be incorporated in the image

field of the Vox2Data template [Vox2Data, page 3; Wright, Fig. 4 and disclosure

associated with the Figure, Elbrader, 0004, 0014];

directing collection of the data input by the portable image capture device

[Vox2Data, page 3; Wright, Fig. 4 and disclosure associated with the Figure, Elbrader,

0004, 0014]; and

integrating the collected data input in the workflow process by automatically

associating the collected data input with the template, thereby generating an output

document [Vox2Data, page 3 – 5].

Regarding claim 2, Vox2Data in view of Wright and Elbrader teaches capability for selecting a template for the workflow process in the portable image capture device (Vox2Data provides plurality of templates from which a user can make a selection from) [Vox2Data, page 4 (Templates)].

Regarding claims 3, 15, Vox2Data in view of Wright and Elbrader teaches capability for prompting for performance of an image capture at the at least one predetermined point in the template [Wright, Fig. 4 and disclosure associated with the Figure].

Regarding claims 4, 16 and 23, Vox2Data in view of Wright and Elbrader teaches capability for prompting **(the user)** for entering voice data or text data at the at least one predetermined point in the template.

Regarding claims 5, 18 and 24, Vox2Data in view of Wright and Elbrader teaches capability for inserting the image capture and the voice data or the text data input at the at least one predetermined point in the template.

Regarding claims 6 and 17, Vox2Data in view of Wright and Elbrader teaches capability for transcribing voice data to text data.

Regarding claims 7 and 19, Vox2Data in view of Wright and Elbrader teaches capability for providing the output document for a next step in the workflow process (**forwarding document from one stage in a workflow to the next stage in the workflow is old and known to one of ordinary skill in the art**, for example, in a automobile purchase transaction, sale order when competed is forwarded to financing department to close the loan before the car is delivered to the purchaser, in medical industry, filing for insurance claims).

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Vox2Data in view of Wright and Elbrader by applying a known technique to a known device or method ready for improvement to yield predictable result.

Regarding claim 8, Vox2Data in view of Wright and Elbrader teaches capability for selecting a workflow activity for the workflow process in the portable image capture device, wherein the workflow activity can be associated by an identifier with a document template, and, the template identifier can have an associated set of input identifiers for data input (Vox2Data teaches plurality of templates and using of portable device like a PDA) [Vox2Data, page 4, 7].

Regarding claim 9, Vox2Data in view of Wright and Elbrader teaches capability for prompting for performance of an image capture at the at least one predetermined point (Elbrader, beginning of a transaction).

Regarding claim 10, as responded to earlier, Vox2Data in view of Wright and Elbrader teaches capability for prompting for entering of any voice data and text data at the at least one predetermined point.

Regarding claims 11, 20 and 25, Vox2Data in view of Wright and Elbrader teaches capability for associating the set of input identifiers for the selected workflow activity with the image captured and the voice or text data input [Vox2Data, Elbrader].

Regarding claim 12, as responded to earlier, Vox2Data in view of Wright and Elbrader teaches capability for transcribing voice data to text data.

Regarding claim 13, as responded to earlier, Vox2Data in view of Wright and Elbrader teaches capability for providing the set of input identifiers for a next step in the workflow process.

Regarding claim 21, as responded to earlier, Vox2Data in view of Wright and Elbrader teaches capability wherein the portable image capture device can provide the set of input identifiers, the collected data input, and a template identifier to the computer system for a next step in the workflow process.

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naresh Vig/

April 7, 2009   Primary Examiner, Art Unit 3629